

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Ernest Guardado,

Plaintiff,

v.

Charles Daniels, *et al.*,

Defendants.

Case No. 2:21-cv-01248-RFB-EJY

ORDER

According to the Nevada Department of Corrections (“NDOC”) inmate database, Plaintiff is no longer incarcerated, and has not filed an updated address. U.S. District Court for the District of Nevada Local Rule IA 3-1 requires a “pro se party must immediately file with the court written notification of any change of mailing address, email address, telephone number, or facsimile number. ... Failure to comply with this rule may result in the dismissal of the action, entry of default judgment, or other sanctions as deemed appropriate by the court.” LR IA 3-1. Because Plaintiff is no longer incarcerated, his application to proceed *in forma pauperis* for inmates (ECF No. 3) is moot.

Accordingly, IT IS HEREBY ORDERED that Plaintiff’s application to proceed *in forma pauperis* for inmates (ECF No. 3) is DENIED as moot.

IT IS FURTHER ORDERED that Plaintiff must file his updated address with the Court by **February 21, 2024**.

IT IS FURTHER ORDERED that no later than **February 21, 2024**, Plaintiff will either: (1) file a complete application to proceed *in forma pauperis* for non-prisoners; or (2) pay the full filing fee of \$402.

IT IS FURTHER ORDERED that the Clerk of the Court must Plaintiff the approved form application to proceed *in forma pauperis* by a non-prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that failure to file an updated address and either pay the \$402 filing fee or file a complete application to proceed *in forma pauperis* by a non-prisoner on or before **February 21, 2024**, will result in a recommendation to dismiss this action **without prejudice**. A

1 dismissal without prejudice allows Plaintiff to file his case with the Court, under a new case number
2 when he is able to file his current address and an application to proceed *in forma pauperis* for non-
3 prisoners.

4 DATED this 25th day of October, 2023.

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6 ELAYNA J. YOUCHAK
7 UNITED STATES MAGISTRATE JUDGE
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